

**Ravalli County Planning Board**  
**Meeting Minutes for December 3, 2008**  
**7:00 p.m.**  
**Commissioners Meeting Room, 215 S. 4<sup>th</sup> Street, Hamilton, Montana**

**Public Meeting**  
Nighthawk Meadows (Mountain Magic, LLC) Major Subdivision  
Country Life Estates II (Schallenberger) Major Subdivision

*This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.*

**1. Call to order**

**Lee** called the meeting to order at 7:01 p.m.

**2. Roll Call** (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)  
Dale Brown (present)  
John Carbin (present)  
Jim Dawson (present)  
Ben Hillicoss (present)  
Dan Huls (present)  
JR Iman (absent - excused)  
Lee Kierig (present)  
Chip Pigman (present)  
Les Rutledge (present)  
Jan Wisniewski (absent - excused)

Park Board Representative: Bob Cron (present)

(B) Staff

Randy Fifrick  
Danielle High  
John Lavey  
Tristan Riddell  
Jon Wickersham

**3. Approval of Minutes**

**Lee** asked if there were any corrections or additions to the minutes from November 19, 2008. There were none. The minutes were approved.

**4. Amendments to the Agenda**

There were none.

## 5. Correspondence

**Tristan** stated that the Planning Department had received a couple of correspondences and that the Board should have them in their files. (See Attachment B, Letter from Elizabeth Robbins, C, letter from Bob Cron D, letter from Victoria Hayes, and E, letter from Gerald Robbins and Howard Recht)

## 6. Disclosure of Possible/Perceived Conflicts

There were none.

## 7. Public Hearing

(A) Nighthawk Meadows Major Subdivision (Mountain Magic, LLC)

- (a) Staff Report on the Proposal: **Randy Ffrrick** gave an overview of the proposal and stated Staff recommends conditional approval of the subdivision, subject to the conditions in the Staff Report. (See Attachment F, Nighthawk Meadows staff report.)

- (b) Presentation by Subdivider's Representative

**John Kellogg from PCI** gave an overview of where the property is located and what the surrounding area is like. He also went over each of the six criteria. He stated that there was a riparian area on the subject property and high ground water. He stated that a recommendation in the staff report requires construction of a bus shelter. He said that PCI talked to the School Superintendent and he said that construction of a bus shelter was not a priority because there would not be very many kids attending from this subdivision. John recommended that they keep that area as a public easement for future use.

- (c) Acceptance of public comments

**Victoria Hayes**, a neighbor of the subdivision, asked if the water table and the wetlands measurement were done before or after the ditch was dug on the west side of the property to control extra surface water. She said that the ditch has re-routed the water to go to Nighthawk Lane and to the neighbors near the road and across the road.

**John Kellogg** replied that it was measured after the ditch was dug and that the ditch will be maintained. He asked Duncan to explain.

**Duncan Jakes with PCI** stated that the ditch is only about a foot deep and was not a significant ditch. He said that it would not affect the water flowing to other property.

**Les** stated that he went out to the proposed site and the ground had a good amount of surface water. The ditch had at least an inch of water flowing in it.

**Carol Grant** stated that when they put that ditch in, it made it so that her front acreage is really wet, which it was not prior to the placement of the ditch. She said that the ditch is directing the water down to Nighthawk Lane and to her property.

**Duncan** stated that the land slopes towards Nighthawk Lane and that the excess surface water would be running toward that way anyway, which has nothing to do with the ditch.

(d) Board Deliberation and Recommendation

**Lee** amended the time allotted for each Board member to five minutes each.

**Les** stated that he has an issue with the property being so wet. He said that the fact that the ditch has running water in it is significant to how much surface water is out there.

**Ben** stated that the concern he has is the effect on wildlife.

**Jim** asked if each house will have its own septic tank.

**Duncan** replied that each house would have a pump and it would pump the waste up to a tank next to the drain field.

**Mary Lee** stated that her only concern is the amount of surface water on the property.

**Chip** stated that he had some issues with the covenants and the notifications. He said that he would like to see some enforcement.

**Bob** asked how steep the grade of the road was.

**Duncan** replied that it was 5%.

**Bob** said that he would like to see the walkway stay so that kids can travel to the bus stop safely. He said that with that steep of a grade, the ground would be slick and unstable.

**John Carbin** said that he thinks that groundwater is a concern. He stated that since there was no response from the Sheriff about the subdivision, no one thinks that there is a problem. He said that a couple years back, the Sheriff stated that he is understaffed and under funded. He said that this is a major concern.

**Dan** stated that he agreed with John about the Sheriff's Office being understaffed and under funded. He also said that there is a lot of surface water, which is a concern.

**Lee** said that he thinks that the ground is way too wet and that there is a concern with the public safety. He stated that the emergency medical services have crashed and that is a concern. He said that there is never mitigation offered to medical services. He asked if the development would be in harmony with the environment.

**John Kellogg** replied that he agreed that there is a lot of surface water on the land. He said along with the surface water, there are dry areas that are safe to build on.

**Lee** stated that one thing that everyone needs to think about is if the development will hold up in a couple of years because of the surface water. He asked if the current dry spots would stay dry in a couple of years.

(1) Review of Subdivision Proposal Against the Six Criteria

a. Effects on agriculture.

Nine thought that the mitigation was sufficient.

- a. Effects on Agricultural water-user facilities.

Eight Members agreed that the mitigation was sufficient. One member did not vote.

- b. Effects on local services

Two Members stated that the mitigation proposed was sufficient. Seven Members thought the mitigation was not sufficient.

- c. Effects on the natural environment

Three Members agreed the mitigation was sufficient; six Members thought the mitigation was not sufficient.

- d. Effects on wildlife and wildlife habitat, including fisheries and mammals.

Seven members said that the mitigation was sufficient; two members said that the mitigation was not sufficient.

- e. Effects on public health and safety

Three Members said the mitigation was sufficient; six Members thought the mitigation was not sufficient.

(See Attachment G, Nighthawk Meadows Six Criteria Review Sheet)

**Les** recommended that there be a mitigation program for the high ground/surface water so that it could be routed away from the building sites.

**Chip** made a motion to approve the Nighthawk Meadows subdivision based on findings and facts of the staff report with the following conditions: Condition 6: On first conveyance, the applicant shall make a \$500 voluntary contribution to the Fire Department, Condition 9 : On first conveyance, the applicant shall make a \$500 voluntary contribution to the Ravalli County Treasurers office for Public Safety, Condition 11: On first conveyance, the applicant shall make a voluntary contribution of \$500 to the School District, and Condition 15: Rather than the applicant putting in a 32 square-foot bus shelter, the applicant shall work with the school district to determine if one is needed.

**Jim** seconded the motion.

**Les** stated that he thought that the Board had agreed that the five-foot trail would be better in a higher-density subdivision, not this one. He said with the way the motion stands, they are still going to be putting the trail in.

**Chip** stated that he would accept that as an amendment.

**Lee** suggested including some language describing that the buyers be aware of the surface ground water and that some engineering will be needed to keep the buildings safe from it.

**Chip** stated that he could add that language as Condition 18 and state that there shall be notification on the plat map that there may be a need for surface water engineering review and possible design.

**Lee** asked the developer if they would be willing to contribute a voluntary contribution to the Marcus Daly Ambulance Services.

**Mick & Maggie Turner**, the developers, said that they would be willing to offer \$250-per-lot to emergency services.

**Randy** suggested that maybe they restate the motion for the record with the new proposals in it.

**Chip** made a motion to approve the Nighthawk Meadows subdivision based on findings and facts of the staff report with the following conditions: Condition 6: On first conveyance, the applicant shall make a \$500 voluntary contribution to the Fire Department, Condition 9: On first conveyance, the applicant shall make a \$500 voluntary contribution to the Ravalli County Treasurer's office for Public Safety and adding on there that there be a voluntary contribution of \$250-per-lot to Ambulance Services, Condition 11: On first conveyance, the applicant shall make a voluntary contribution of \$500 to the School District, Condition 15: Rather than the applicant putting in a 32 square-foot bus shelter, the applicant shall work with the school district to determine if one is needed, Condition 16 shall say that paths are only required on high-density proposals, and Condition 18 shall have a notice on the plat that there may be a need for engineering review for ground/surface water on the subject land for future property owners.

**Mary Lee** seconded the motion.

**A vote was called; the members voted (8-1) to approve the subdivision.**  
(See Attachment H, Nighthawk Meadows Vote Sheet)

(B) Country Life Estates II Major Subdivision (Schallenberger)

- (a) Staff Report on the Proposal: **Tristan Riddell** gave an overview of the proposal and stated Staff recommends conditional approval of the subdivision, subject to sixteen conditions in the Staff Report. (See Attachment I, Country Life Estates II Staff Report)

(b) Presentation by Subdivider's Representative

**Leonard Shepherd** said that he agrees with everything in the staff report. He added that there was going to be an easement for the neighbors for an irrigation ditch between Lots 3 & 4.

(c) Acceptance of public comments

**Gerald Robbins** said that he owns property on McCarthy Loop. He said that McCarthy Loop has a north and south access. He said that the south access is the one that is going to be used, but he stated that he knows that some of the future property owners will use the north access. He said that will cause more traffic and will cause more upgrades to the road. He said that the road

has been adjusted and that it is mis-located and not up to county standards. Widening it would change the irrigation ditch and power lines. He stated that this land is a hayfield and has a lot of wildlife population on it.

**Glenda Kruger** expressed her concern that if the subdivision is approved and later down the road it is determined that there needs to be another access to the property or the road needs to be widened, it would take out her front yard and some of her property. She stated that there should be some sort of covenant to protect her land and other property owners from this happening.

**Chad Devall** stated that he owns property by the proposed subdivision and is concerned with the amount of traffic that will be on the road. He was also concerned with the wells and septic and wanted to ensure that there will be no problems in the future.

**Bob Olsen** stated that with traffic, they will not use the north side of McCarthy Loop because it is about eleven miles and would be pointless. He said that they would use the south access as proposed because it is shorter.

(d) Board Deliberation and Recommendation

**John Carbin** said that he was concerned about the lack of response of the Sheriff and that it is a major concern.

**Chip** stated that he does not agree with the concerns about the Sheriff. He said that if it was that major of a problem, the Board of County Commissioners would have addressed it. He stated that he does not understand why Condition 14 requires dust abatement when they are paying pro rata.

**Tristan** responded that the Road Department Supervisor recommended the dust abatement when he conducted his study.

**Chip** asked why there was a 20-foot paved surface required when it is supposed to be 18 feet.

**Tristan** replied that the Fire Department sent the recommendation that it be 20-feet with two-foot shoulders so that they could safely get their fire equipment in and out in the case of an emergency.

**Mary Lee** asked if there were going to be any covenants to restrict further subdivision of these lots.

**Leonard Shepherd** replied that it was up to the owners; any future subdivisions would go through the subdivision process.

**Lori Schallenberger** replied that she is not going to put any further covenants on the property saying that the lots will not be subdivided again.

**Ben** asked if the subdividers would be willing to say what they would be willing to contribute in mitigation for the voluntary contributions.

**Shepherd** replied that he would like to discuss that at the Commissioners' meeting.

**Lori Schallenberger** said that they would voluntary contribute \$500-per-lot to the school, \$500-per-lot to the Fire District, and \$250 at the time of first conveyance to the Sheriff's Department.

**Jim** made the motion to approve Country Life Estates II based on the finding and facts in the staff report and based on the following conditions that were

modified: Condition 5, \$500-per-lot on first conveyance to the Fire District, Condition 12, \$500-per-lot on first conveyance to the School District, and Condition 7, \$250-per-lot and on first conveyance to the Sheriff's Department, and remove Conditions 13 and 14.

**Dale** seconded the motion.

**Chip** made an amendment to Condition 16 to stay as the Subdivision Regulations states that paved surfaces be 18 feet with two-foot shoulders to make it a total of 20 feet instead of the proposed 20-foot paved surface with two-foot shoulders to make it 22 feet.

**Jim** agreed that they need to stay consistent with the regulations.

**A vote was called; the members voted (9-0) to approve the subdivision.**  
(See Attachment J, Country Life Estates II Vote Sheet)

**8. Communications from Staff**

**John Lavey** stated that there were members of the Board whose terms are up at the end of the month. He said that they need to turn in their applications by Friday, December 5, 2008.

**9. Communications from Public**

There was none.

**10. Communications from The Board**

There was none.

**11. New Business**

There was none.

**12. Old Business**

There was none.

**13. Next Regularly Scheduled Meeting: December 17, 2008 at 7:00 p.m.**

**14. Adjournment**

**Lee** adjourned the meeting at 9:28 p.m.